

SCOTT N. SCHOOLS (SCSBN 9990)
United States Attorney

BRIAN J. STRETCH (CSBN 163973)
Chief, Criminal Division

TAMARA WEBER (ILSBN 6270925)
Special Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, CA 94102
Telephone: (415) 436-6838
Facsimile: (415) 436-7234
tamara.weber@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
VALERIAN DOBRE,)
)
Defendant.)

No. CR 07-0560 JSW

STIPULATION AND [PROPOSED] ORDER
EXCLUDING TIME
18 U.S.C. §3161(h)(8)(A) & (B)

SAN FRANCISCO VENUE

With the agreement of the parties in open court on October 11, 2007, the Court enters this order excluding time under the Speedy Trial Act from October 11, 2007, to November 8, 2007 for a Quintero Hearing and a Change of Plea Hearing. The parties agree, and the Court finds and holds, as follows:

1. Mr. Dobre has been charged in a thirteen count indictment for Conspiracy, Bank Fraud, Effecting Transactions with an Access Device and Aiding and Abetting, all in violation of 18 U.S.C. § 371, 18 U.S.C. § 1344, 18 U.S.C. § 1029(a)(5) and 18 U.S.C. § 2.

2. The defendant's initial appearance on the indictment was held on August 31, 2007. Also on this date, a detention hearing was conducted before the Honorable Judge Joseph Spero. Judge

STIPULATION AND [PROP.] ORDER
CR 07-0560 JSW

1 Spero ordered the defendant to be detained before trial for the following reasons:

- 2 (i) The defendant has no ties to the United States;
- 3 (ii) The defendant refused to provide Pre Trial Services with his home address in Spain and he refused to give detailed financial information;
- 4 (iii) There was an ICE hold and the defendant's Business Visa has expired;
- 5 (iv) The defendant was arrested with multiple fraudulent access devices and a large amount of cash in his possession, and
- 6 (v) The defendant lied to ICE Agents on multiple occasions regarding his occupation upon entry into the United States.

7 3. On October 11, 2007 a Trial Setting Hearing was held before the Honorable Jeffrey S. White . The case was continued to November 8, 2007 for a Quintero Hearing and a Change of Plea Hearing.

9 4. As the Government and the defense attorney advised the Court, the continuance is necessary for effective preparation of counsel, because the parties are negotiating a settlement. The government also submitted all remaining discovery to the defense attorney on October 11, 2007; therefore, the continuance is necessary for the defense attorney to review the evidence and evaluate the case. In addition, defense counsel travels from Los Angeles to San Francisco for court appearances and needs time with a Spanish interpreter to confer with his client.

15 5. Thus, the parties agree, and the Court finds and holds, that failure to grant a continuance would unreasonable deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). Finally, the parties agree, and the Court finds, that the ends of justice served by excluding the period from October 11, 2007, to November 8, 2007, outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(A).

22 6. Accordingly, the Court sets a new hearing date on November 8, 2007, and orders that the period from October 11, 2007, to November 8, 2007, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

25 //

26 //

27 //

28 //

1 **IT IS SO STIPULATED.**

2 DATED: October 16, 2007

3 _____/s/
4 TAMARA WEBER
Special Assistant United States Attorney

5 DATED: October 16, 2007

6 _____/s/
7 J.T. Fox
Attorney for Defendant Valerian Dobre

8
9 **IT IS SO ORDERED.** The time from October 11, 2007 to November 8, 2007 shall be
10 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv), as the ends
11 of justice outweigh the interest of the public and the Defendant in a speedy trial. The parties shall
12 appear on November 8, 2007 at 2:30 p.m. for a Quintero Hearing and a Change of Plea Hearing.

13 DATED: _____

14 _____
THE HON. JOSEPH C. SPERO
United States Magistrate Judge